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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES
 INTERNATIONAL UNION, *et al.*,

Plaintiffs,

v.

SAL ROSSELLI, *et al.*,

Defendants.

CASE NO. 09-CV-0404 WHA (MEJ)

**STIPULATION RE: RETURN OF
 EXTERNAL HARD DRIVES TO
 DEFENDANTS; ~~PROPOSED~~ ORDER
 THEREON**

Civil Local Rule 6-2

STIPULATION

Plaintiffs and Defendants Sal Rosselli *et al.* in the above-captioned case, hereby stipulate and agree as follows:

WHEREAS,

1. On May 22, 2009, the Court issued a Discovery Order (“Discovery Order”), Docket No. 238, in this case that required Defendants, by noon on May 26, 2009, to produce to Plaintiffs a copy of the digital image files described on Page 7, Paragraph 3 of the Temporary Restraining Order (“TRO”) previously entered in this case (Docket No. 101), after removing only information or files created after January 27, 2009;

2. On May 26, 2009, Defendants provided Plaintiffs with two external hard drive devices containing electronic files, pursuant to the Discovery Order;

3. Under the Discovery Order, Plaintiffs were given until 5:00 p.m. on June 2, 2009 to have three of their attorneys and one technical expert transfer, search and review those drives, and to print out whatever UHW property (as defined in the TRO) was contained thereon that those attorneys decide to print;

4. Under the Discovery Order, by 5:00 p.m. on June 2, 2009, Plaintiffs must return the drives to Defendants and must provide Defendants and the Court with a log of all documents Plaintiffs’ counsel believe are UHW property and have printed out during their review

5. Since obtaining the drives from Defendants, Plaintiffs’ three attorneys and technical expert have been diligently processing and transferring the files contained thereon to render the information contained therein searchable;

6. The foregoing process has taken longer than expected, due to the large number and size of the files on the drives: more than 200 gigabytes compressed, which became more than 350 gigabytes in uncompressed format (which is necessary for searching purposes), and which corresponds to approximately 15 million pages, in more than 1 million files;

7. Plaintiffs’ counsel and their technical expert have determined that the length of time necessary to process and transfer the files to render the information contained therein searchable will leave insufficient time to review the files and print out UHW property contained therein by 5:00

1 p.m. on June 2, 2009;

2 8. If Plaintiffs had to return the drives to Defendants on June 2, 2009, and they did not
3 have time to complete their review of them by that time, they would not be able to resume such
4 review at a later time where they had left off, even if Defendants provided the drives to them again
5 at a future date; rather, due to the requirement of the Discovery Order that Plaintiffs must return the
6 drives to Defendants, and may not copy or save them (except to the extent necessary temporarily to
7 transfer, search and review them, and to the extent permissible to print UHW material contained
8 therein), any future review would have to commence again from the beginning (including
9 processing, transferring, searching and reviewing the information contained on the drives), at great
10 and unnecessary expense to Plaintiffs;

11 9. No modifications of the deadlines set in the Discovery Order have been previously
12 sought; and

13 10. Extension of the deadlines set in the Discovery Order provided for in this Stipulation
14 will have no effect on the schedule for the case;

15 THEREFORE,

16 11. The undersigned parties hereby stipulate and agree that, to avoid the adverse
17 consequences stated above, Plaintiffs may retain through June 14, 2009, the external hard drives that
18 were provided to them on May 26, 2009, by Defendants, at which point they will be returned to
19 Defendants and Plaintiffs will destroy any temporary copies they made to transfer, search and
20 review the files contained thereon; and

21 12. The undersigned parties also hereby stipulate and agree that, by 5:00 p.m. on June 2,
22 2009, Plaintiffs will provide Defendants and the Court with a log of all documents Plaintiffs'
23 counsel have by that point determined to be UHW property and have printed out during their
24 review, as required by Paragraph 5 on Page 10 of the Discovery Order (Docket No. 238), and that on
25 June 14, 2009, they will provide Defendants with a supplemental log of any additional documents
26 Plaintiffs' counsel have determined to be UHW property and have printed out during their review in
27 the interim since June 2, 2009, which will be provided to the Court on the following day.
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1 The foregoing is so stipulated and agreed.

2 Dated: May 28, 2009.

Respectfully submitted,

3 ALTSHULER BERZON LLP
4 BREDHOFF & KAISER, PLLC
5 ROTHNER, SEGALL, GREENSTONE & LEHENY

6 /s/ Jeffrey B. Demain
By: JEFFREY B. DEMAIN

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15 /s/ Jose Luis Fuentes
16 By: JOSE LUIS FUENTES

17 Attorneys for Defendants

18
19 **~~PROPOSED~~ ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 Dated: June 1, 2009
22 _____.

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24 MARIA-ELENA JAMES
25 United States Magistrate Judge
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